DOCUMENT RESUME

ED 387 990 EC 304 344

AUTHOR	Schumack, Sharon; Stewart, Art
TITLE	When Parents and Educators Do Not Agree: Using Mediation To Resolve Conflicts about Special Education. A Guidebook for Parents.
INSTITUTION	Harvard Univ., Cambridge, Mass. Center for Law and Education.
REPORT NO	ISBN-0-912585-10-2
PUB DATE	95
NOTE	24p.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Arbitration; *Conflict Resolution; Decision Making; *Disabilities; Due Process; Elementary Secondary Education; Parent Participation; Parent Rights; *Parent School Relationship; *Special Education; Student Rights

ABSTRACT

This booklet for parents, in question and answer format, provides basic information on the mediation process in the resolution of conflicts between parents and educators concerning special education. The first section is intended to help parents decide if mediation is the appropriate route in their situation. It addresses such topics as how mediation differs from a due process hearing, how mediation differs from other meetings with educators, why parents should consider mediation, who mediators are, avenues in addition to mediation available to the parent, the relationship of mediation to the child's individualized education program, costs of mediation, consequences if mediation does not result in a written agreement, and changing the mediation agreement. The second section is on preparing for and participating in mediation. It considers: location and time of the mediation, participants, the value of legal help, preparing for a mediation, what happens at a mediation, and decision making. The third section outlines the stages of the mediation process, illustrated by an example. A listing of mediation "do's" and "don'ts" as well as definitions for words commonly used in the mediation process complete the booklet. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 387 990

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☒ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

A Guidebook for Parents

▼

WHEN PARENTS and EDUCATORS DO NOT AGREE

▼ ▼ ▼

Using MEDIATION to Resolve Conflicts About Special Education

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
S. Schumack
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

BEST COPY AVAILABLE

A Note to Parents About This Booklet

Special education laws require school systems and parents to work together to develop an Individualized Educational Plan (IEP) for each student who is eligible for special education services. Since parents and educators see the situation from different perspectives, they may have different ideas about a child's strengths and needs.

Parents and school staff are frequently able to work out these differences on their own, and are encouraged to try to do so. If there are continuing disagreements about the educational and related services that are to be provided, mediation is a process that may be used by parents and educators to help resolve these issues.

This booklet is designed to help parents understand and make the best use of the special education mediation services that are available in Massachusetts. We are hopeful that you will find it to be a useful tool in working with school personnel to obtain appropriate educational programming and services for your child.

Kathleen B. Boundy
Co-Director
Center for Law and Education
Boston, Massachusetts

Robert V. Antonucci
Commissioner of Education and
Secretary to the Board of Education
Commonwealth of Massachusetts

A Guidebook for Parents

▼

WHEN PARENTS and EDUCATORS DO NOT AGREE

▼ ▼ ▼

Using MEDIATION to Resolve Conflicts About Special Education

© 1995 Center for Law and Education, Boston, MA

ISBN 0-912585-10-2

The publication of this booklet was funded, in part, by grants from the Polaroid Foundation and the Massachusetts Bar Foundation, Inc.

This booklet was developed by Sharon Schumack, Director of Publications at the Center for Law and Education, and Art Stewart, Coordinator of Mediation for the Massachusetts Special Education Appeals unit, with the assistance of Harvard Law School student Jenniter Lightman Wessels. The opinions expressed are those of the authors.

Contents

Deciding if Mediation is Right for You 2

Preparing for and Participating in Mediation 7

Stages of the Mediation Process 14

Some Mediation "Do's" and "Don'ts" 16

Words You Should Know 17

Helpful Hints . . . . . Inside back cover

Deciding if Mediation is Right for You

This section of the booklet answers the following commonly asked questions:

- **What can I do if I disagree with the educational program that is being offered for my child?**
- **What is mediation in special education?**
- **How is a mediation different from a hearing?**
- **How is mediation different from other meetings I have had with the school?**
- **Why should parents consider using mediation?**
- **Who are the mediators?**
- **Will the mediator tell the school what to do?**
- **Do I *have* to use mediation to get services for my child?**
- **Must I use *only* mediation to get services for my child?**
- **Must I reject my child's IEP in order to have a mediation?**
- **What will happen to my child if I ask for a mediation?**
- **Is there a charge for mediation?**
- **Do I need an advocate or lawyer?**
- **What if mediation does not result in a written agreement?**
- **Can a mediation agreement be changed if I am not satisfied or if my child's needs change?**

What can I do if I disagree with the educational program that is being offered for my child?

If you are unable to arrive at a satisfactory solution by working directly with school personnel, you may seek help from the Bureau of Special Education Appeals, which is an independent unit housed at the Department of Education of the Commonwealth of Massachusetts. You may request the services of a mediator and/or file a request for a due process hearing.

What is mediation in special education?

Mediation in special education is a process in which a mediator, a neutral third party, helps people reach an agreement about the educational placement, program, or other services to be provided for a child with special needs. A mediation is conducted in an informal, private, and cooperative forum. The mediator provides a problem-solving structure and process, and assures that everyone involved will be listened to with respect. The mediator does not make decisions for the parties. A mediation session usually lasts for a few hours. In Massachusetts, either parents or school personnel may request a mediation.

How is a mediation different from a hearing?

Mediation is an informal process that is voluntary and confidential. During a mediation, all parties try to understand each others' views and reach an agreement together. They are encouraged to speak openly and freely about the issues that concern them. What is said during mediation is private, and can't be used as evidence in a hearing. The only record that is kept of a mediation is the written agreement, if there is one.

In contrast, a hearing is a formal legal proceeding. Attorneys or advocates for opposing parties present evidence to a hearing officer, who makes a decision and issues a written order. The hearing decision must be based only on the record of documents and testimony that has been presented to the hearing officer. This record can be used later if there is a lawsuit filed in court.

The chart on the following page summarizes the most important differences between mediation and a hearing.

Summary of Important Differences Between Mediation and a Hearing

Mediation	Hearing
Informal process	Formal legal proceeding
Parents can speak for themselves	Attorneys or advocates speak for the parents
Settlement is voluntary	Hearing officer imposes a decision on the parties
Parties shape their own agreement --flexible, creative, "custom-fit" solutions result	Hearing officer imposes a decision based on his or her determination of the facts
Cooperative problem-solving between the parties is encouraged	Tension and hostility between the parties may be increased
Lasts approximately 2-4 hours	Lasts approximately 1-3 days
Discussion allows participants to focus on planning the student's future educational plan together	Evidence and testimony are presented as the basis for a decision about the student's educational program

How is mediation different from other meetings I have had with the school?

A mediation may help you resolve your differences with the school more efficiently and effectively than other meetings you've had. The presence of a mediator keeps the focus of the discussion on the needs of your child. Mediators have training and experience in helping people clarify their views, communicate more effectively, and resolve disputes. A mediator makes sure that everyone has a chance to express ideas and concerns without interruption. The mediation session provides a time and a process for handling disagreements calmly, and letting creative solutions emerge. Mediation can help you reach agreement with school officials about specific issues, as well as build a better working relationship for the future.

Why should parents consider using mediation?

Mediation helps to promote a positive relationship between the parents and the school, and focuses on mutual problem-solving. It is less stressful, less expensive, and takes less time to complete than a hearing. Mediators help parents and school personnel understand each other's point of view, and fashion a plan that they are comfortable with and can implement together.

BEST COPY AVAILABLE

Who are the mediators?

Mediators are employees of the state department of education. They have training in communication, problem-solving and negotiation skills, and specific mediation techniques. They also have knowledge of special education laws and regulations, and information about the various educational tests, programs and services that are used in special education. Mediators are neutral. Mediators are not biased in favor of the school system or the parents. Their role is to make sure that all participants have an equal opportunity to express their views and are treated fairly.

Will the mediator tell the school what to do?

The mediator will attempt to help the participants reach their own agreement, and will be active in helping people to shape an agreement. The mediator does not make decisions about what anyone should do. In some instances a mediator may share useful information with the parties, such as reminding them of the requirements of the special education law or suggesting options that the parties may not have thought about. The mediator helps in the negotiation process, but does not make decisions about what anyone must do.

Do I *have* to use mediation to get services for my child?

Mediation is strictly voluntary. For mediation to occur, parents and school officials must each agree to participate.

Must I use *only* mediation to get services for my child?

In addition to mediation, you may continue to try to work things out with the school system on your own or with the help of an advocate. If for some reason you are unable to resolve your differences with the school during the mediation session, the option to pursue a hearing still remains. A hearing may be scheduled at any time and will start within 20 days of your request.

Must I reject my child's IEP in order to have a mediation?

No. A parent, guardian or surrogate parent for a child with a disability may contact the Bureau of Special Education Appeals for assistance if problems arise at any point in the process of working with school officials. The Bureau's first priority is to provide a mediation to those who have already rejected an IEP, but it may be able to offer mediation or other help to those whose disputes have not yet reached that stage.

What will happen to my child if I ask for a mediation?

Your request to go to mediation is a statement of your desire to resolve your disagreements with school officials, and of your willingness to negotiate with them in good faith. Mediation is not an adversarial process. In other words, mediation does not result in "winners" and

"losers". In mediation, the parties work together to create the best possible outcome. There is no reason for teachers or administrators to hold anything against your child. In fact, they understand that using this process can lead to a solution that is acceptable by everyone.

Your child's educational placement and program will remain in place until the mediation is completed, or until you reach an agreement that it will be changed.

Is there a charge for mediation?

There is no charge for the services of the mediator or for any administrative fees. You are responsible for paying only for the services of an advocate or attorney, if you choose to consult one.

Do I need an advocate or lawyer?

It is important for you to be well-informed about your rights and to feel confident that you can state your positions clearly and succinctly. It may be helpful, but is not necessary, for you to consult with an advocate as part of your preparation for mediation.

What if mediation does not result in a written agreement?

Not every mediation results in a written agreement. Sometimes another session is scheduled, perhaps because more time or additional information is needed. Sometimes the positions are so far apart or people are so firm in their views that no compromise or mutually satisfying solutions can be reached. You may decide to make an immediate request for a due process hearing, or to use the information you learned in the mediation to continue to seek an agreement with the school system.

Can a mediation agreement be changed if I am not satisfied or if my child's needs change?

If there are problems in implementing the agreement that you can not work out with the school, contact the mediator for further assistance. If your child's IEP needs to be rewritten because of changes in your child's needs, you can request that the evaluation team be reconvened.

Preparing for and Participating in Mediation

Mediation works best when the parties have a good idea of what to expect and have thought about the issues that will be discussed. This section describes how special education mediation operates and offers suggestions for how to make the best use of the process. It answers the following questions:

- **When and where will mediation take place?**
- **Who should attend the mediation?**
- **Should I get legal help before going to mediation?**
- **What should I expect from my advocate or lawyer?**
- **How should I prepare for mediation?**
- **What happens at a mediation?**
- **What if I am not ready to make a decision on the spot?**

When and where will mediation take place?

The mediator will set up a date, time and place for the mediation that is convenient for you and the school personnel. The sessions are usually held in a conference room in a school building in your town or neighborhood. If you have any particular needs or concerns about the setting for the mediation, discuss these with the mediator when you are scheduling the mediation. A typical mediation lasts two to four hours. A mediation may, however, take most of a day. It is important to make the necessary arrangements to be away from home and work, so that you may concentrate and participate fully without worrying about other responsibilities.

Who should attend the mediation?

The mediator will ask the school system to bring people who know your child and know the resources or programs in your child's area of need. A representative of the school system with decision-making

authority must be present so that an agreement may be reached and signed at the mediation. The school may ask several people to attend the mediation. You may request that a particular person, such as your child's teacher or a specialist, or anyone else who can make a valuable contribution to the mediation, be asked to attend. (However, attendance of school personnel is at the discretion of the special education director.)

You may bring to the mediation anyone who you feel might be helpful. This includes someone who knows your child well and can talk about your child's educational needs, someone who has tested or evaluated your child, and/or someone who has something to add to what is available in writing about your child. In addition, if there is someone you rely upon to help you make educational choices or assess your options, you may bring that person to the mediation. An advocate that you have consulted about your child's situation may also attend the mediation. You can also bring along a friend if you believe that the person will help you feel more relaxed, confident, or better able to focus clearly on the decisions to be made.

Should I get legal help before going to mediation?

It is often helpful for parents to consult with an advocate to understand their legal rights and the procedures that are required by the special education laws. A lawyer or lay advocate who is familiar with special education laws can provide you with that information, and can also help you to make the most of the opportunity that mediation offers.

An advocate can help you to prepare for the mediation by helping you organize your thoughts and the documents you have about your child. He or she may also help you develop criteria for assessing options that you may be offered during the mediation. You may invite the advocate to attend the mediation, either to observe or to participate. Remember, however, that since mediation is an opportunity for you to share your feelings, opinions, and ideas about your child's education, it is usually best for you to speak on your own behalf.

Some hospitals and medical practitioners have a staff member available who serves as an education advocate, and can accompany you to mediation to provide advice or help you assess the suitability of a particular program that is being offered.

What should I expect from my advocate or lawyer?

If you choose to use an advocate or lawyer, be sure to select someone whose experience and judgement you respect. An advocate's role is to assist you in expressing what you believe your child needs, and best

represent the recommendations of evaluators. An advocate is not supposed to simply go into mediation and "get what you want." In some instances, an advocate or lawyer may encourage you to reexamine your assumptions. For these reasons, it is best to select an advocate you trust and can work with comfortably.

You should be wary of "advocates" who have services to sell you beyond their advocacy skills. For example, a speech therapist who would like to work with your child would not be a very objective advocate. Advocates are most effective if their own interests will not be affected by the outcome of the mediation.

The chart below summarizes the things your lawyer or advocate should do to help you before and during the mediation.

Before the mediation your advocate or lawyer should...	***During the mediation your advocate or lawyer should...***
Be knowledgeable about special education laws	**Allow and encourage you to speak for yourself**
Be a skilled negotiator	**Allow and encourage you to make the final decisions**
Be knowledgeable about the mediation process	**Maintain a cooperative environment -- Help diffuse tensions**
Prepare him or herself by reviewing and organizing the information you have and contacting the school to obtain any additional information	**Encourage open and honest communication -- encourage fresh ideas**
Become informed about and understand your child's needs	**Keep you focused on your child's needs**
Tell you how much he or she will charge you for services	**Help, support, and encourage you, and make certain that you are aware of and understand the implications of agreeing to accept an offer from the school system**

How should I prepare for mediation?

Mediation is an opportunity for you to influence the school staff as persuasively as possible regarding your view of your child's needs and the elements required in a program for your child to make progress. There are several important ways to get ready for the mediation session:

1. ***Make the necessary practical and logistical arrangements for the day of the mediation, such as time off from work and baby-sitters for other children.***

BEST COPY AVAILABLE

2. ***Gather and review the written information that exists about your child.***

Bring whatever you have that sheds light on the nature or needs of your child. Make a list of what recent documents you have, in case you want to refer to them during the mediation. This might include:

- your child's school record (you are entitled to see it and have copies of it made for you by the school at a reasonable cost);
- evaluations and comments you have received from your child's teacher;
- any other information you may have about your child's work or needs.

If you need help, find someone to interpret the material that has been given to you by the school, such as test scores.

Be prepared to explain what you feel is important that hasn't been given appropriate attention in previous discussions about your child, or through the services your child has received. You don't need to go into excessive detail, or bring along your child's medical and educational history. The important thing is to provide specifics to back up the need for the services you are seeking.

3. ***Think about your child's educational needs.***

Mediation is an opportunity for you to influence school staff regarding your view of your child's needs. Think about what you hope to achieve for your child in terms of the elements of a program that would help your child make progress.

Define your child's needs *broadly*, instead of getting locked into overly-specific demands. Thinking about the "big picture" will help you and the school to jointly develop options that will meet your child's needs.

EXAMPLE: **A child's needs defined *broadly* might include:**

*** has difficulty understanding concepts in math**
*** has problems interacting with other children**
*** needs help organizing homework**

This approach may help you stay focused on your primary concerns. Before you agree to a settlement you may want to review with the mediator the link between the proposed program and your child's needs.

BEST CO[illegible]ILABLE

4. ***Consider why the school staff may be interested in reaching an agreement with you through mediation.***

Thinking about the school's interests may help you to anticipate many of the educators' questions and concerns. You will be better prepared for the mediation as a result.

EXAMPLE: **A school's interests defined *broadly* might include:**

- **providing quality education**
- **using resources wisely and appropriately**
- **keeping the child in a local public school program**
- **utilizing available staff and classroom space**

5. ***Think about possible settlement options.***

Mediation works best when parents and school staff are open to hearing each other's ideas and feel free to jointly explore *new* options. It is a good idea for you to think in advance about options which might meet your child's educational needs. Consider whether your suggested options would meet the school's interests. Try to imagine what the school's objections might be, so you can figure out ahead of time how you can best respond.

EXAMPLE: **Some *specific* settlement options might include:**

- **provide time for student to review math concepts with a special education teacher**
- **assign student to a social skills development group**
- **develop a homework workbook and identify a staff member for the student to check in with on a daily basis to discuss what is assigned and what needs to be brought home**

It is important for both you and the school staff to keep open minds during the mediation. Really listen to what the school staff members propose. Consider creative options that you may not have thought about before and don't be afraid to make suggestions. Let the school staff know what your child really needs.

BEST COPY AVAILABLE

6. ***Consider the alternatives to a mediated settlement that you and the school may have.***

Some alternatives to a mediated settlement include:

- requesting a hearing,
- accepting the current IEP,
- continuing to negotiate with the school staff outside of mediation,
- using your own resources to pay for services for your child.

You may want to think in advance about what you will do if you are unable to reach agreement with the school staff in the mediation. What is your next step? For example: Can you afford the time and money involved with a hearing? Is a hearing in the best interests of your child's education? Will you be able to get more satisfaction from a hearing? (Remember that a hearing also costs the school a lot of time and money. It is usually in the school's best interest to reach settlement during mediation.)

What happens at a mediation?

Each mediator will run a mediation slightly differently, but mediations usually follow this structure:

First, the mediator will give an *introduction*. During the introduction, the mediator will explain his or her role and describe the mediation process.

Second, there will be an *initial joint session*. The joint session is the first opportunity for you and the school staff to share and gather information. As the parents, you will have the chance to speak first. You can describe your child's educational needs, discuss your concerns, and share your ideas. After you are finished speaking, the school staff will get their chance. Being open and honest during this session will set the tone for a cooperative and productive mediation session.

Third, the mediator may call for *private sessions*. During the private sessions, the mediator has a chance to talk to you alone about some sensitive facts. He or she may help you to more clearly define what you are interested in getting out of mediation for your child. The mediator may also help you develop options for reaching an agreement. The information you share during the private session will not be revealed to the school officials unless you give the mediator permission to do so.

Fourth, there may be *other joint sessions* during which you and the school staff will hopefully move closer to agreement.

Fifth, there will be a *final joint session*. At this point, you will have a chance to finalize an agreement and work out any additional details. If no agreement has been reached, you may discuss the scheduling of a hearing or state a partial agreement and clarify the remaining issues in dispute. For example, you may want to visit a classroom or facility that you haven't seen, or find out more about new options that have been offered.

Whether or not you are able to reach a settlement, hopefully the mediation will be a time when you and the school staff can begin a meaningful and constructive dialogue. Mediation is your chance to share your opinions and help the school staff see your child as a whole person rather than as a consumer of specific services. Use your time effectively.

The chart on the next page outlines the stages of mediation.

What if I am not ready to make a decision?

Mediations are sometimes continued to a second meeting. For example, you might need to visit a proposed placement site, get advice from an expert you have consulted with about your child's particular disability, or talk over your options with your legal advocate. The mediator will confer with those who are present and schedule the time of the next session, or set a date for making a decision, so things don't get delayed indefinitely.

STAGES OF THE MEDIATION PROCESS

This is a brief summary of a typical mediation.

SESSION	*EXAMPLE*
INTRODUCTION **Mediator explains his or her role, and the mediation process.**	*Mediator:* "Welcome! I am here to help you continue your negotiations about how to improve the situation for Tony. You don't need to prove or demonstrate anything to me. I will not make an order or decision as part of this process. I am impartial, and don't take the side of either the school staff or the parents. What you say here in mediation is confidential, so you may speak freely and openly about the issues which concern you. We'll begin by meeting together to let everyone contribute their ideas so that we can develop a full and up-to-date picture of Tony. Then I will meet with you separately for private and confidential discussions. This will give both the school staff and the parents time to consider what you have heard today, some of which may be new information. We'll return together later to write an agreement or to discuss further stages in the appeal process.
INITIAL JOINT SESSION **Parent and school staff each have an opportunity to describe the child and what is or is not working in the current program. They begin to make links between the student and the elements of a program that they believe would best meet the student's needs.**	*Mediator:* Would you talk a little about your child? *Parent:* Tony is seven, and in first grade. He's easily distracted. A psychiatrist has told us that he has attention deficit disorder. He needs a lot of structure and needs to learn more internal control. The teacher he started with this year didn't provide enough structure, and we made a change after six weeks. The school was supposed to bring in a behavioral consultant. We need to know how he's doing in class. *Mediator:* Would people who work with him at school contribute to a current picture of Tony? *Teacher:* He used to have trouble with sitting and boundaries. We used some "timeouts" and used a behavioral modification plan which rewarded him at short intervals. He gained some social skills, used the "timeouts" to regroup, and doesn't need as frequent reinforcement. He does still fidget and make noise. He's doing o.k. in reading. He needs structure and understands consequences. We invited a behavioral consultant, who became unavailable. We'd like to propose a different one. [The parent then asked some questions, which school staff answered, about situations that might arise in the future and how they would be handled.]
PRIVATE SESSION(S) **Parents and school staff meet separately with the mediator to privately express their views and explore options. They assess the offers that have been made.**	PRIVATE SESSION WITH PARENT: *Mediator:* Is there anything you've wanted to say and haven't had an opportunity to express? *Parent:* We have no way of understanding Tony's experience or progress in school, except for what he tells us. I want to

BEST COPY AVAILABLE

know who the behavioral consultant is and what he is being hired to do. Also, when will these things happen?
Mediator: I understand you're concerned with receiving information on a regular basis so that you have a source other than Tony to rely on regarding his progress. You want a behavioral consultant to develop a plan and need to know how this will occur. Let me talk with the school staff about your concern with these issues.

PRIVATE SESSION WITH SCHOOL:

Mediator: Is there anything you've wanted to say and haven't had an opportunity to express?
Administrator: This has been a difficult relationship. The parent wants to drop in on her son's class at any time.
Mediator: She has expressed a need to understand Tony's experience and progress in class. How would you like to inform her?
Administrator: Well, we often use a home-school notebook to communicate a child's status. Do you think that might work here?
Mediator: I'll ask. What role do you see for the behavioral consultant and, now that you have an available person, when can the work reasonably be completed?
Administrator: We want the consultant to observe Tony in class, meet with the TEAM and develop a comprehensive plan for Tony. It can be done in three weeks.

There may be additional joint or private sessions, in which the mediator helps the parents and school move toward agreement.

[The mediator moves between private discussions with school staff and parents, exchanging new information, desires and assurances, until the parts of a concrete agreement are agreed upon.]

FINAL JOINT SESSION
If an agreement has been reached, the details are worked out in final form and signed. If not, the mediator helps clarify the differences that remain, and what will happen in the future to resolve them.

Mediator: I think that you've worked out an agreement and just want to go over the details with you to make sure everybody is expecting the same things to happen next. You both agree that Tony will bring a communication notebook to and from school every day. Do you both agree that a behavioral consultant will observe Tony, meet with the TEAM and develop a comprehensive plan within the next three weeks?
Parent: Will the consultant have suggestions for us to use at home?
Administrator: That's the intent of the comprehensive plan.
Parent: How will we know if this is really working?
Administrator: Let's plan to meet in six weeks to discuss the implementation of the plan, Tony's progress, and any changes that may need to be made.

[They each sign the agreement, copies are made, and the mediator thanks everyone for participating.]

BEST COPY AVAILABLE

Some Mediation "Do's" and "Don'ts"

1. **Don't** start out putting the school on the defensive by reviewing all the things that you perceive have gone wrong in the past.

   Do bring your ideas about what can be done to improve the situation for your child.

2. **Don't** get too excited and hopeful about a specific program or services that you've heard about or seen. A new option may seem very attractive just because it is new.

   Do take some time to assess carefully. In assessing alternative options for your child, it is important to think about *why* a particular option may be a better match for your child than what is offered by the school. What are the elements of a program that may contribute to a successful educational experience for your child?

3. **Don't** forget that every child is different. Talking with parents of other children who *seem* like your child may not be truly helpful.

   Do focus on the match between your child's progress and the suitability of the program for your child, not what you've heard other children are getting. There may be important differences between your child and others.

4. **Don't** become so committed to a single way of doing things that you don't recognize a good opportunity when it is presented to you.

   Do keep an open mind to the array of services that are available.

5. **Don't** get trapped by previous experiences, which may be outdated, or which may apply to one of your children but not another.

   Do keep an open mind.

7. **Don't** focus on past dissatisfactions. Recognize that you have long-term interests in the development of your child, whereas the school looks at your child on the basis of year-to-year increments. Be sure you know the current reality of services and personnel that are available.

   Do think about the present and future.

Words You Should Know

The following words are commonly used during the special education mediation process. Being familiar with these terms may help you be more comfortable and feel more involved during the mediation. Remember, you can discuss with the mediator any questions or concerns you may have at any time during the mediation. You should feel free to ask for explanations of words you do not understand.

Advocate - someone who helps and advises you during the mediation process. This may be a lawyer or a "lay advocate," but should be someone who specializes in representing parents of children with disabilities.

Assessment - either a test or an observation which describes your child's ability in a specific area such as medical, educational, psychological, developmental, speech, hearing, vision, etc.

Evaluation - a group of tests, assessments, and other critical information about your child which determine whether your child has a special need and what your child's strengths and areas of need are.

Evaluation Team - a group which includes the child's parents, teachers, and other specially trained people who will find out what your child can do, whether he or she has a disability which is causing your child's problems in school, what areas he or she is having difficulty with, and what services he or she needs in order to progress effectively in school.

Hearing - a formal administrative procedure conducted by the Bureau of Special Education Appeals to resolve disputes between the parent and the school district over such things as the identification, evaluation, or placement of a child, program implementation, etc.

Independent Evaluation - an evaluation at your request and at the school committee's expense that : (a) is similar to the school's original evaluation, and (b) is performed by a person certified or otherwise qualified to perform the evaluation and who agrees to accept the rates established by the state agency responsible for setting such rates. This provides you with a second opinion if you are unsure about or disagree with the results from the initial evaluation. You may also choose to have an independent evaluation at your own expense.

Individualized Educational Plan (IEP) - the plan prepared by the evaluation team which describes any special needs your child has and outlines the educational programs and services which will be provided to meet those needs if you accept the IEP.

Least Restrictive Environment (LRE) - the program and placement which assures that your child is educated to the maximum extent appropriate with children who do not need special education, and that special classes or separate schooling are used *only* when your child cannot be educated in regular classes even with extra aids and services.

Mediator - a person who has been trained in communication, problem-solving and negotiation skills, and specific mediation techniques. Mediators serve as neutral third-parties who can help you and the school reach an agreement during the mediation.

Neutral - a term which describes the role that a mediator should play during a mediation. Neutral means not taking sides. A mediator should listen and support both the parents and the school equally.

Occupational Therapy - a treatment that helps your child develop mental or physical skills that will aid in daily living. Occupational therapy focuses on the use of hands and fingers and on the coordination of movement and self-help skills such as dressing, eating with a fork and spoon, etc.

Physical Therapy - a treatment of physical disabilities provided by a trained physical therapist according to a doctor's orders that includes the use of massage and exercise to help your child improve the use of bones, muscles, joints, and nerves.

Related Services - transportation, developmental, corrective, and supportive services which are required to assist a child in need of special education.

Special Education - specially designed instruction which meets the unique needs of a child who has been evaluated and found to be in need of special education and which is provided at no cost to parents or guardians.

Special Education Mediation - an informal, voluntary process to resolve disputes over such matters as the identification, evaluation, or placement of a child. This process is suggested but not required before proceeding to a hearing. In this state, mediation is a service offered by the Commonwealth of Massachusetts Bureau of Special Education Appeals

Specialist - a specially trained person, such as a psychologist, occupational therapist, speech therapist, or physician.

Speech /Language Therapy - a planned program to improve and correct speech and/or language or communication problems.

*Most of the definitions in this section were provided by the Massachusetts Department of Education - A Parent's Guide to the Special Education Appeals Process and by Jeanne Voss, an education advocate.

Helpful Hints

How To Get The Most From Special Education Mediation

- Try to develop a coordinated and coherent understanding of your child's needs.

- Make your comments in a way that helps the school staff to see your child as a whole person, rather than as a consumer of specific services.

- Be prepared to consider new options.

- Remember that your role in the mediation is crucial. As the parents, you have a unique understanding of your child. Be sure to speak up and share your ideas, thoughts, and concerns.

- Several days before the mediation, be sure to provide the school staff with copies of any information or the results of any recent independent evaluations that you would like to discuss during the mediation, so that they may be given full consideration.